



MINUTES

Charlotte County Board of Zoning Appeals

Wednesday, February 12, 2020 9:00 a.m. - Room 119

Charlotte County Administration Center
18500 Murdock Circle, Port Charlotte, FL 33948-1094

(These minutes are not official until they have been approved by the Charlotte County Board of Zoning Appeals)

Board Member:

Steve Vieira, Secretary
William Abbatematteo, Vice-Chair (absent)
Larry Fix
Blair McVety, Chair
John Doner

Staff:

Shaun Cullinan, Planning/Zoning Official (absent)
Thomas David, Asst. Co. Attorney
Stacy Bjordahl, Asst. Co. Attorney
Ken Quillen, AICP, Sr Planner
Elizabeth Nocheck, Sr. Planner
Diane Clim - Recorder

I. Call to Order

Chair McVety called the February 12, 2020 meeting of the Board of Zoning Appeals to order at 9:00 a.m.

II. Pledge of Allegiance

Chair McVety led the members and the audience in reciting the Pledge of Allegiance.

III. Roll Call

Roll call was taken; a quorum was present.

IV. Swearing In of Those Giving Testimony

Diane Clim swore in all persons who wished to provide testimony.

V. Approval of Minutes

ACTION: A motion was presented by Mr. Fix and seconded by Mr. Doner to approve the minutes of the January 8, 2020 meeting of the Board of Zoning Appeals which passed with a unanimous vote.

VI. Disclosure Statements

Ex-parte forms indicating site visits concerning the petitions being presented before the February 12, 2020 Board of Zoning Appeals meeting were submitted.

VII. Introduction of Staff/Comments

Chair McVety introduced staff. Ken Quillen, Sr. Planner, read the Zoning rules, Asst. County Attorney David and Chair McVety made introductory remarks regarding the types of requests that the Board of Zoning Appeals would be reviewing and the standards which must be met, the notification process and how the Board of Zoning Appeals makes its decision.

VIII. New Business

The following petitions were advertised on January 28, 2020: VAR-20-001, SE-10-001, and SE-20-002

VAR-20-001

Rick Halvorson, agent for Mark and Nancy Halvorson, is requesting a variance to reduce the required 15-foot rear yard setback by two feet to allow a 13-foot rear yard setback for an existing home under construction in the Residential Single Family (RSF-5) zoning district. The property address is 42 Sportsman Road, Rotonda West, Florida, and is described as Lot 817, of Rotonda West Broadmoor Subdivision, located in Section 13, Township 41 South, Range 20 East.

Ken Quillen read into the record the staff report and staff findings for the petition.

Applicant Presentation

Rick Halvorson, agent for the applicant, said he was sworn in. Mr. Halvorson said when they turned in the permit, the surveyor had the incorrect measurements on the site plan. The concrete guy set the lay out for the house.

Chair McVety opened the meeting to Public Hearing.

Public Input

No one spoke for or against this request.

There being no further requests to speak for or against the petition, Mr. Fix moved to close the public hearing, seconded by Mr. Doner. The public hearing was closed with a unanimous vote.

Ken Quillen presented the recommended conditions for the petition.

Board Member Comments and Questions

None

ACTION: A motion was presented by Steve Vieira and seconded by John Doner that Petition VAR-20-001 be APPROVED based on the Community Development Staff Report dated February 5, 2020, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Variance with three conditions recommended by staff.

Motion was approved with a unanimous vote with the following three conditions:

1. The variance, as approved by the Board of Zoning Appeals, is to reduce the required 15-foot rear yard setback by two feet to allow a 13-foot setback, and to allow the existing single-family residence to remain "as is" to bring the existing non-conforming setback into conformity with code.
2. The variance shall only apply to the existing single-family residence as shown in the documents submitted with this application.
3. If the single-family residence is at a later date removed or replaced, this variance shall expire and all future development must be constructed according to all applicable codes in existence at that time, unless a new variance is granted specific to the development proposed at that time.

SE-20-001

Johnson Engineering, agent for Charlotte County, is requesting a special exception to allow an emergency service, consisting of a fire station, in the Bridgeless Barrier Island (BBI) zoning district. The property address is 61 Gasparilla Way, Placida, Florida, and is described as Lot 5, of Block G, of Palm Island Estates Unit 4 Subdivision, located in Section 33, Township 41 South, Range 20 East.

Elizabeth Nocheck read into the record the staff report and staff findings for the petition.

Applicant Presentation

Chris Beers, Johnson Engineering, agent for the applicant, said he was sworn in. Mr. Beers said this site is critically located in the center of the island which makes the fire department happy so they can get to both ends of the island.

Chair McVety opened the meeting to Public Hearing.

Public Input

Gary Miner, who lives next to the fire department building, said he was sworn in. Mr. Miner said he lives at 91 Gasparilla Road and bought his lot the same year the County bought their land. He did not build until 2003 and he is next to the original fire house. He said this service does not go all the way to Little Gasparilla Island because there is a gated community and a mile of State land, so you cannot drive a big truck down those dirt roads. He said a long time ago, the County called him to see if he would want to sell his lot. He said this was his dream, so he did not sell. He said there is a big light on the building and it could be illegal. He has to keep the bath bedroom blinds up because those lights are always shining. He has been selling real estate in this area since the 1980's. He said he's never had a customer ask to live by a fire house. Now his house is in between two fire house buildings.

There being no further requests to speak for or against the petition, Mr. Doner moved to close the public hearing, seconded by Mr. Vieira. The public hearing was closed with a unanimous vote.

Rebuttal

Mr. Beers said they considered many of the elements in and around the area and placed the building in an area advantageous for this lot, including the septic and drainage.

Todd Sweet, Sweets Architect, said he was sworn in. Mr. Sweet said the property is in an AE zone, which means the building needs to be on pilings. It raises the minimum floor elevation to be at 16 NAVD, so you will be at 16 feet before you even start a first story of the building. The second floor will be around 23 NAVD. The building is within the required height. They are going to put the building further to the east, away from his house. This should solve some issues with the light.

Elizabeth Nocheck presented the recommended conditions for the petition.

Board Member Comments and Questions

None

ACTION: A motion was presented by Larry Fix and seconded by John Doner that Petition SE-20-001 be APPROVED based on the Community Development Staff Report dated February 5, 2020, the evidence

and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Special Exception with four conditions recommended by staff.

Motion was approved with a unanimous vote with the following four conditions:

1. This special exception, as approved by the Board of Zoning Appeals, is to allow an emergency service consisting of a fire station, generally as proposed in the application and shown on the plans labeled Exhibits E, F, and G, and extends only to the land included in the site plan and legal description submitted with this application. The site plan, landscape plan, and architectural renderings submitted as part of this application are for illustrative purposes only.
2. The applicant shall obtain all necessary permits and approvals as applicable to this development, including but not limited to Site Plan Review, stormwater management, vegetation removal, septic, right-of-way access, and landscape plan approval.
3. As shown on the conceptual Landscape Plan (Exhibit G), a minimum of a Type B landscape buffer is required along the north, south, east, and west property lines. All buffers and landscaping shall be installed prior to the Certificate of Occupancy being granted.
4. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

SE-20-002

Geri Waksler, agent for Universal Investors, LLC, is requesting a special exception to allow a modification of an existing special exception to allow an expansion of an existing concrete crushing and recycling facility in the Industrial General (IG) zoning district. The property address is 10401 Pheasant Boulevard, Punta Gorda, Florida, and is described as Lots 1 and 18, of Kings Center I Subdivision, located in Section 28, Township 41 South, Range 23 East.

Ken Quillen read into the record the staff report and staff findings for the petition.

Mr. McVety said originally the special exception was approved in 2017, and they were supposed to submit plans within 3 months and have the project done with a year, now it's 2020 and they never did the fence and buffer, is that correct?

Mr. Quillen replied yes.

Applicant Presentation

Geri Waksler, agent for the applicant, said she was sworn in. **Ms. Waksler** said Universal wants to expand. They purchased the lot next door last year and would like to expand. They had a friend who was working on that first special exception. Universal accepts all the conditions but would like a change to the timeline. The proposed condition 3, does not reflect the amount of time for permitting. They would like a modification to condition 3 to change to one year after permits are approved.

Mr. McVety said this was approved in 2017 with conditions and they were not met. Why was that?

Ms. Waksler said their friend (local engineer) was very busy with his normal job and was doing this work as extra work and was falling behind. Being friends, the engineer felt bad to say he couldn't keep up and the owners (being friends) didn't want to fire him. Once the additional lot was obtained, that was

when the engineer friend said he would not be able to continue helping with this project. They do have site plan approval and needed this special exception, now they can immediately continue this project.

Chair McVety opened the meeting to Public Hearing.

Public Input

No one spoke for or against this request.

There being no further requests to speak for or against the petition, Mr. Fix moved to close the public hearing, seconded by Mr. Vieira. The public hearing was closed with a unanimous vote.

Mr. McVety asked the owner if this fence and buffer will be done this time?

Tom Cornwell, owner, said he was sworn in. Mr. Cornwell said this will be taken care of.

Ken Quillen presented the recommended conditions for the petition.

Board Member Comments and Questions

None

ACTION: A motion was presented by Larry Fix and seconded by Steve Vieira that Petition SE-20-002 be APPROVED based on the Community Development Staff Report dated February 5, 2020, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Special Exception with six conditions recommended by staff.

Motion was approved with a unanimous vote with the following six conditions:

1. This special exception is to allow an outdoor concrete crushing and recycling facility, with outdoor storage as an accessory use to the concrete crushing and recycling facility and extends only to Lots 1 and 18 as included in the Concept Plan and legal description submitted with this application.
2. The applicant shall obtain proper permitting for subject property to facilitate compliance with all County Codes, Land Development Regulations, and these conditions of approval of the special exception.
3. Within three months of approval of this special exception, the owner shall submit to the Permitting process for this proposed development. The development plans must be modified, if need be, as required by the Zoning Official so as to obtain approval within six months of approval of this special exception. Within 12 months of approval of this special exception, the owner shall construct all of the improvements required by all applicable County Codes and Permitting approval.
4. Landscape buffers shall be installed and maintained as follows: a type "D" landscape buffer shall be provided abutting Eagle Boulevard and Pheasant Boulevard; a type "B" landscape buffer shall be provided along the side lot lines abutting the adjacent lots; and a type "B" landscape buffer, including a six-foot high sight-obscuring fence or wall, shall be provided along the rear lot line adjacent to the railroad and Tamiami Trail. Prior to the use of Lot 18 as proposed, the required landscape buffers shall be installed. Operations may continue on Lot 1 during the permitting process, subject to the time limitations set forth in condition #3.

5. The applicant shall obtain all necessary permits and approvals, as applicable to this development, including but not limited to, street access, paving, commercial fence or wall permits, storm water management, and landscape plan approval.
6. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

IX. Public Comments - None

X. Staff Comments –

Mr. Quillen said there are two petitions for the March meeting.

XI. Member Comments - None

XII. Next Meeting

*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, March 11, 2020 at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 10:18 a.m.

Respectfully submitted,
Diane Clim, Recorder
/dlc



Blair McVety, Chair

Approval Date: _____

3-11-2020